

Appl. No.: 10/053,830
Amdt. dated September 4, 2007
Reply to Office action of August 22, 2007

Remarks/Arguments

The PTO action of 8/22/2007 held the response of 6/06/2007 to not be fully responsive to the PTO action of 5/21/2007.

A telephone interview with Examiner Shafer was conducted on 8/27/2007 in which the issue was discussed. It is believed that the following remarks satisfy the examiner's requirement. The interview was most appreciated.

The response to the PTO action of 5/17/2007 was held to be not fully responsive. The examiner held that the obviousness-type double patenting rejections, i.e. items 5 and 6 were not properly addressed.

An attempt was made on pages 11 and 12 of the response filed on 6/06/2007 to clearly and fully point out how claims 1 and 18-25 are not properly rejected under the judicially created doctrine of obviousness-type double patenting. Those remarks are here amplified.

MPEP 804 B ¶ 1 states "Obviousness-type double patenting requires rejection of an application claim when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent." There is no requirement that the claims in question patentably define over the patented claims.

The rejection:

Claims 1 and 18-25 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 11 and 14 of U.S. Patent No. 6,554,436. Claim 11 includes all matter included in claims 1, 10 and 11. Claim 14 includes all matter in claims 1, 10, 13 and 14.

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Each of claims 11 and 14 of the '436 patent include the following limitations, i.e. "molded component," "a main rear view mirror," "a supplemental mirror – above a main mirror," and providing "a direct view of at least two dead zones."

Claims 1 and 18-25 do not call for any one of the claimed elements. Clearly, the claimed assembly does not require a molded structure secured to a molded carrier structure nor does it require a supplemental mirror above a main mirror. Other means could easily be substituted. Further, the claimed structure does not require a direct view of at least two dead zones but is directed to a locking mechanism mounting a mirror for providing a view for a non-restricted area.

For these reasons, it is believed that claims 1 and 18-25 are patentably distinct from claim 11 of the '436 patent.

Referencing now claims 1 and 25, held to also be rejected under the judicially created doctrine of obviousness-type double patenting over claims 8 of U.S. Patent No. 6,352,231.

Claim 8 is dependent from claim 7, which depends from claim 1, and includes the limitations of all of these claims. Claim 8 then calls for "a clamp reception fixture," "a clamp wedge disposed within the insertable component and slidable in a second clamping direction." Claim 1 does not call for a clamp reception fixture nor for an insertable component and it is not necessary for the claimed mirror assembly to have an insertable component insertable in a first direction into the reception fixture, as called for in the patented claim. Claim 1 of the application calls for a locking mechanism for securing the support arm to the vehicle. Clearly, these securing means could be other

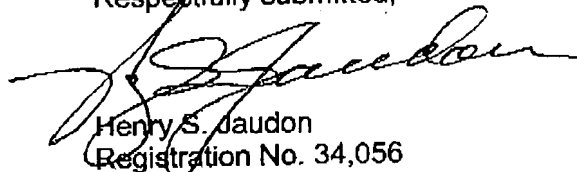
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than the referenced clamp reception fixture and insertable component as called for in the '231 claim.

For these reasons, it is believed that claims 1 and 18-25 are clearly patentably distinct from the claims of the '231 and '436 patents.

It is thought that these remarks clearly point to the areas which render claims 1 and 18-25 patentably distinct over the claims of the rejection.

Respectfully submitted,



Henry S. Jaudon
Registration No. 34,056
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Agent for the Applicant